

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 84 - SB 156

February 14, 2023

SUMMARY OF BILL: Adds an arson investigator who is a sworn deputy of a county sheriff's department to the definition of "firefighter" for the purpose of determining who is eligible to receive certain health benefits dispensed by the state or a political subdivision of the state for any condition or impairment of health incurred in the line of duty or course of employment that results in personal injury or loss of life.

FISCAL IMPACT:

Other Fiscal Impact – There will be an annual increase of \$50,000 for a period of five years totaling \$250,000 from the General Fund to the estate of any arson investigator who is killed in the line of duty. The extent and timing of any expenditures cannot reasonably be quantified.

Assumptions:

- Pursuant to Tenn. Code Ann. § 7-51-201(b) and (d), there exists a rebuttable presumption that, whenever the state, or any municipal corporation or other political subdivision of the state maintains a regular fire department and has established any form of compensation, other than workers' compensation, to be paid to firefighters for any condition or impairment of health that results in loss of life or personal injury in the line of duty or course of employment, if the condition arises from disease of the lungs, hypertension, heart disease, or certain cancers, it is presumed to have occurred or to be due to accidental injury suffered in the course of employment. Any such condition in firefighters resulting in death is presumed to be a death in the line of duty for the purposes of benefits compensation.
- The proposed legislation extends this presumption to cover such conditions, impairments, and deaths incurred by arson investigators who are sworn deputies of county sheriffs' departments.
- Pursuant to Tenn. Code Ann. § 7-51-210(b), the estate of any emergency responder killed in the line of duty is entitled to receive an annuity in the amount of \$250,000, to be received in annual installments of \$50,000 over a period of five years.
- The annuity is paid from the state General Fund and is processed by the Department of Commerce and Insurance (DCI).
- Based on information provided by DCI, since 2018, there have been a total of four annuity claims paid to firefighters under the relevant statutes for deaths in the line of duty.

- The exact number of arson investigators employed as sworn deputies of sheriffs' departments in the state is unknown. However, the number is assumed to be minimal compared to the number of active firefighters covered under the relevant statutes. In addition, arson investigators' exposure to harmful or toxic environments in the course of duty is generally assumed to be less than that of firefighters.
- Extending the relevant presumption and resulting coverage to certain arson investigators could result in an increase in state expenditures if and when it is determined that such an investigator died in the line of duty. Such an increase would be equal to \$50,000 per fiscal year for a period of five years. The extent and timing of any such General Fund expenditure cannot be quantified.
- The extent of benefits which are currently provided to full-time firefighters by local governmental agencies on the Local Government Plan is unknown; however, the potential number of any such claims arising from arson investigators under this legislation is estimated to be few and infrequent and is not expected to significantly increase insurance premiums. Therefore, there will not be a significant impact on local government expenditures.

IMPACT TO COMMERCE:

NOT SIGNIFICANT

Assumption:

- The proposed legislation pertains only to requirements governing state and local employee insurance policies and benefits and is not estimated to create a fiscal impact on jobs or commerce in the state.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/jj